

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

X

DANIEL BLAIR,

Plaintiff,

ORDER

- against -

CV 94-2740 (JBW)

NEW YORK CITY TRANSIT AUTHORITY,

Defendant.

FILED  
IN CLERK'S OFFICE  
N.Y.

U.S.  
★ FEB 20 1997 ★  
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TIME A.M. \_\_\_\_\_

Defendant having made a motion for summary judgment pursuant to Rule 56 of the F.R.Civ.P. upon the grounds that there are no issues of fact, and that defendant is entitled to judgment as a matter of law, and plaintiff having submitted papers in opposition to the application,

NOW upon reading and filing the Notice of Motion, and annexed Statement of Material Facts, dated November 8, 1996, and the affidavits of Daniel Topper and Patricia Davis, both sworn to on November 8, 1996, together with the exhibits annexed thereto, all read in support of the application and upon reading and filing the plaintiff's Statement of Material Facts, dated December 17, 1996, and the affidavits of Sheila J. Feldman and Daniel Blair, both sworn to on December 18, 1996, the exhibits' annexed thereto, all read in opposition to the application,

AND, the matter having come to the be heard before the Hon. Jack B. Weinstein on January 16, 1997, and movant having appeared by Martin B. Schnabel, Acting Vice President and General Counsel (Daniel Topper, of Counsel) and plaintiff having appeared by Michael Jay Greenberg, Esq and

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for

Sheila Feldman, Esq. and the matter having been orally argued before this Court on January 16, 1997, and due deliberation having been had thereon and this Court having rendered an oral decision on the record in open Court on January 16, 1997, it is, *per record stated orally on the record,*

ORDERED, that motion for summary judgment pursuant to Rule 56 of the F.R.Civ.P. is granted, and the Clerk is directed to enter judgment accordingly.

*No costs or disbursements*

ENTER:

*Paul B. Winter*  
\_\_\_\_\_  
U.S.D.J.

*2/24/97*